

COMMENT LETTER

RESPONSES

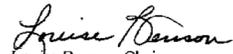
and guides, with a sustainable water supply the potential for future development and use of this area to the benefit of the Tribe is enormous, if done in a culturally sensitive manner.

The Tribe has subsisted on this land for hundreds of years, using the meager water resources available on tributary systems due to the lack of financial resources and the will of the United States to quantify and assist in the development of the Tribe's mainstream water rights in one of the great rivers of North America, which fortuitously flows through the Reservation. In *Arizona v. California*, the United States filed a claim on behalf of the Tribe only to abandon it without explanation. Some forty years later, the Tribe's trustee has neglected to take any action to protect the Tribe's water. Now, because the proposed action of the Department jeopardizes the future ability of the Tribe to access these waters for beneficial uses, the Tribe will fall further behind in its drive toward economic self-sufficiency.

The Navajo Nation has made a very coherent case for the quantification and development of the mainstream rights of the three tribes omitted in the *Arizona v. California* adjudication prior to, or at the least in conjunction with, the CAWCD settlement. To avoid redundancy, the Tribe will not repeat that analysis. The failure to quantify and protect the tribe's rights in the mainstream adjudication was a clear breach of trust. We believe that the Department will compound this breach of trust responsibility by going forward with this settlement without first addressing Hualapai's mainstream rights. The Tribe's only hope for development, including tourism, rests in its ability to access sufficient water resources to sustain such development. The settlement of this action, as proposed, may well deprive the Tribe of this one opportunity at self-sufficiency.

On behalf of the Hualapai Tribe, I urge you to convene an early meeting with the three mainstream tribes whose rights are not protected by decree. Thank you for your consideration.

Very truly yours,


Louise Benson, Chairwoman